

EXHIBIT A



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Via Email and US Mail

Ms. Elizabeth Eilender
Law Office of Elizabeth Eilender
225 Broadway, 24th Floor
New York, NY 10007

Re: Civil Action No. 2:10-cv-05604-SDW-MCA; *American General Life Insurance Company v. Teller Family Irrevocable Trust VI, by and through its trustee, Gerson Sontag a/k/a Gershon Sontag, and Teller Family Irrevocable Trust VII, by and through its trustee, Bezalel Bernstein a/k/a Bialel Bernstein*; In the United States District Court for the District of New Jersey.

Dear Ms. Eilender:

This letter is in response to your correspondence of February 3, 2011, and February 9, 2011.

You inquire whether we are willing to commence depositions. As mentioned in my prior correspondence, we are not able to move forward with scheduling depositions in this case until your clients produce documents. Despite providing written objections and non-substantive responses to requests for production, your clients have yet to produce a single page of documents (save the trust documents attached to Defendants' pleadings). It is unfathomable how your clients can have a good faith basis for the fraud allegations in their counterclaim and, yet, not possess a single relevant document. Given your clients' unwillingness to meaningfully participate in discovery, I do not see how depositions can be scheduled at this time.¹ American General will object to any depositions going forward until your client has produced documents.

Your February 9, 2011, letter references several blank pages within our initial document production (AG 0001-1051). These documents were produced as they were kept by American General. The only alterations made by our office are certain redactions, reflected on the face of the documents, related to the work product privilege (*i.e.* the date the document was printed by

¹ Your February 3, 2011, letter asks whether American General will produce Mr. Epstein for deposition. Per our prior discussions, I know you are aware that Mr. Epstein is no longer an agent for American General as he has been terminated. Mr. Epstein is not under the control of American General and American General will not be producing him for deposition. If you would like to depose him, you will need to subpoena him as he is a third party to this action.

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American General). If you require a privilege log for these redactions, please let me know. Other than the indicated redactions, no pages were removed or altered.²

You generally complain that what has been produced is "meaningless fluff." What you refer to are the official policy files for the policies at issue in this case. This qualifies as American General "internal files, including its investigation of the applications at issue." While you have requested other documents through requests for production, our deadline to respond to those requests has not yet occurred. However, in the spirit of cooperation, I did want to point out a few things about any potential further production in this case.

First, as for documents relating to commissions paid on the relevant insurance policies, I will not be in a position to produce those documents until there is a protective order in place as American General considers the documents to be proprietary and confidential. The same is true for any agent file kept by American General on Yoel Epstein. Finally, American General is contractually prohibited from producing its underwriting guidelines to third parties absent a protective order or confidentiality agreement.

You indicate that you need access to the original applications in order to have them examined by a handwriting expert. Pursuant to American General's document retention policy, the original applications for the policies at issue were scanned into American General's system and then destroyed after ninety days. This would have occurred in early 2006. As a result, the original applications are not available for your inspection. I would be happy to produce the relevant document retention policy to you, but, again, will require the entry of a protective order before doing so.

Finally, your allegations that documents are being "willfully and wrongfully" withheld is without basis. As an initial matter, American General's deadline to respond to your clients' requests for production has not even occurred yet.³ You have made repeated unsubstantiated allegations that I, as counsel for American General, am perpetrating a fraud on the Court and on your clients by "fabricating" jurisdictional facts, withholding documents, etc. These allegations are, needless to

² Your February 3, 2011, letter states "please advise if you have redacted any other sections of the Applications other than the social security numbers[.]" As indicated on the face of the documents at issue, no redactions were made to the applications for the policies at issue, including social security numbers. As you know, your clients signed the applications at issue and so there would be no point in redacting them now.

³ Your demand that American General produce the "key documents" in this case is absurd. As you are aware, if one of your clients' requests for production were for "key documents . . . [that are] obviously . . . at issue in this case," the request would not survive objection.

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say, unprofessional and unfounded. I am willing to work with you on the documents your clients reasonably need to defend themselves in this case. I hope that you are willing to do the same as it relates to documents my client needs from your clients.

Should you have any questions, please feel free to contact me at (713) 337-5584.

Very truly yours,

Edison, McDowell & Hetherington LLP



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Firm

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